

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE MASTER'S MIRACLE, INC.,

Plaintiff,

v.

HEALTH WIZE, et al.,

Defendants.

CASE NO. C04-2488JLR

ORDER

This matter comes before the court on Defendants' motion to dismiss for lack of jurisdiction. (Dkt. # 33). Plaintiff has not responded to Defendants' motion. For the reasons stated below, the court DENIES the motion.

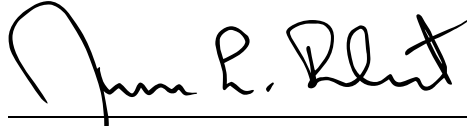
In cases like this one, where the court exercises its diversity jurisdiction pursuant to 28 U.S.C. § 1332, it has jurisdiction only where the parties are of diverse citizenship and there is more than \$75,000 in controversy. There is no dispute that Plaintiff and Defendants are of diverse citizenship.

The basis for Defendants' motion is their assertion that the amount in controversy in this action is less than \$75,000. Although Defendants dispute that the amount in controversy exceeds \$75,000, Plaintiff's allegation in its complaint that the "amount in controversy exceeds \$75,000, exclusive of interests and costs" is sufficient. Crum v. Circus Circus Enters., 231 F.3d 1129, 1131 (9th Cir. 2001). The court cannot decline

1 diversity jurisdiction unless it appears to a “legal certainty” that Plaintiff’s claim is for
2 less than \$75,000. Id. Defendants have presented no evidence that would allow the court
3 to conclude that it is a “legal certainty” that Plaintiff will recover less than \$75,000.
4 Indeed, Defendants have presented no evidence whatsoever in support of their motion.

5 For these reasons, the court DENIES Defendants’ motion. The court has diversity
6 jurisdiction in this matter pursuant to 28 U.S.C. § 1332.

7 Dated this 10th day of June, 2005.

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11 JAMES L. ROBART
12 United States District Judge
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